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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Timothy Huntley Williams,  
Plaintiff,

v.

State of Arizona, et al.,  
Defendants.

No. CV 23-00695-PHX-JAT (ESW)

**ORDER**

Plaintiff Timothy Huntley Williams, who is confined in a Maricopa County Jail, has filed a pro se civil rights Complaint pursuant to 42 U.S.C. § 1983 (Doc. 1) and an Application to Proceed In Forma Pauperis (Doc. 2). The Court will dismiss the Complaint with leave to amend.

**I. Application to Proceed In Forma Pauperis and Filing Fee**

The Court will grant Plaintiff's Application to Proceed In Forma Pauperis. 28 U.S.C. § 1915(a). Plaintiff must pay the statutory filing fee of \$350.00. 28 U.S.C. § 1915(b)(1). The Court will assess an initial partial filing fee of \$6.00. The remainder of the fee will be collected monthly in payments of 20% of the previous month's income credited to Plaintiff's trust account each time the amount in the account exceeds \$10.00. 28 U.S.C. § 1915(b)(2). The Court will enter a separate Order requiring the appropriate government agency to collect and forward the fees according to the statutory formula.

**II. Statutory Screening of Prisoner Complaints**

The Court is required to screen complaints brought by prisoners seeking relief

1 against a governmental entity or an officer or an employee of a governmental entity. 28  
 2 U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if a plaintiff  
 3 has raised claims that are legally frivolous or malicious, that fail to state a claim upon which  
 4 relief may be granted, or that seek monetary relief from a defendant who is immune from  
 5 such relief. 28 U.S.C. § 1915A(b)(1)–(2).

6 A pleading must contain a “short and plain statement of the claim *showing* that the  
 7 pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2) (emphasis added). While Rule 8 does  
 8 not demand detailed factual allegations, “it demands more than an unadorned, the-  
 9 defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678  
 10 (2009). “Threadbare recitals of the elements of a cause of action, supported by mere  
 11 conclusory statements, do not suffice.” *Id.*

12 “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a  
 13 claim to relief that is plausible on its face.’” *Id.* (quoting *Bell Atlantic Corp. v. Twombly*,  
 14 550 U.S. 544, 570 (2007)). A claim is plausible “when the plaintiff pleads factual content  
 15 that allows the court to draw the reasonable inference that the defendant is liable for the  
 16 misconduct alleged.” *Id.* “Determining whether a complaint states a plausible claim for  
 17 relief [is] . . . a context-specific task that requires the reviewing court to draw on its judicial  
 18 experience and common sense.” *Id.* at 679. Thus, although a plaintiff’s specific factual  
 19 allegations may be consistent with a constitutional claim, a court must assess whether there  
 20 are other “more likely explanations” for a defendant’s conduct. *Id.* at 681.

21 But as the United States Court of Appeals for the Ninth Circuit has instructed, courts  
 22 must “continue to construe *pro se* filings liberally.” *Hebbe v. Pliler*, 627 F.3d 338, 342  
 23 (9th Cir. 2010). A “complaint [filed by a *pro se* prisoner] ‘must be held to less stringent  
 24 standards than formal pleadings drafted by lawyers.’” *Id.* (quoting *Erickson v. Pardus*, 551  
 25 U.S. 89, 94 (2007) (per curiam)).

26 If the Court determines that a pleading could be cured by the allegation of other  
 27 facts, a *pro se* litigant is entitled to an opportunity to amend a complaint before dismissal  
 28 of the action. *See Lopez v. Smith*, 203 F.3d 1122, 1127-29 (9th Cir. 2000) (en banc).

1 Plaintiff's Complaint will be dismissed for failure to state a claim, but because it may  
2 possibly be amended to state a claim, the Court will dismiss it with leave to amend.

### 3 **III. Complaint**

4 Plaintiff names the following Defendants in his three-count Complaint: the State of  
5 Arizona Prosecutor, Tempe Police Officer Daniel Reynolds, and the Tempe Police  
6 Department. Plaintiff seeks money damages.

7 In Count One, Plaintiff alleges Defendant Reynolds violated his Fourth Amendment  
8 rights. Plaintiff claims Defendant Reynolds "had no right" to search him and "how could  
9 [he] be trespassing at a fire station, for checking on [his] friend? That's a safe place."  
10 Plaintiff alleges "they filed charges without finding probable cause" and searched him  
11 without probable cause.

12 In Count Two, Plaintiff contends Defendant Reynolds violated his Fifth  
13 Amendment rights when he told Plaintiff that Plaintiff was required by law to identify  
14 himself. Plaintiff asserts this is "opposite of my Miranda right."

15 In Count Three, Plaintiff alleges violations of his Fourteenth Amendment rights.  
16 Plaintiff claims he was denied "substantial procedure rights" because "two years have  
17 passed" and "they wanted to wait until I was in a worse position, they brought this charge  
18 up because of the incident 10-31-22 to 11-08-22 from case CA-2020-107383."<sup>1</sup> Plaintiff  
19 claims he was not indicted by a grand jury, "nor did they find probable cause before a  
20 warrant was issued."

### 21 **IV. Failure to State a Claim**

22 Although pro se pleadings are liberally construed, *Haines v. Kerner*, 404 U.S. 519,  
23 520-21 (1972), conclusory and vague allegations will not support a cause of action. *Ivey*  
24 *v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982). Further, a liberal interpretation of a  
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26 <sup>1</sup> On November 1, 2022, a Petition to Revoke Probation was filed in Plaintiff's  
27 criminal case, CR 2020-107383. See <http://www.superiorcourt.maricopa.gov/docket/CriminalCourtCases/caseInfo.asp?caseNumber=CR2020-107383> (last accessed May 4,  
28 2023).

1 civil rights complaint may not supply essential elements of the claim that were not initially  
2 pled. *Id.*

### 3 **A. Count One**

4 Plaintiff alleges Defendants Reynolds searched and arrested him without probable  
5 cause. As explained below, Plaintiff has failed to state a claim against Defendant Reynolds,  
6 and the Court will dismiss without prejudice Count One.

#### 7 **1. Search**

8 “The Fourth Amendment prohibits ‘unreasonable searches and seizures’ by the  
9 Government, and its protections extend to brief investigatory stops of persons or vehicles  
10 that fall short of traditional arrest.” *United States v. Arvizu*, 534 U.S. 266, 273 (2002). In  
11 such cases, the Fourth Amendment is satisfied if the officer’s action is supported by  
12 reasonable suspicion, not probable cause. *Id.* “While reasonable suspicion requires  
13 ‘considerably less than proof of wrongdoing by a preponderance of the evidence,’ an  
14 officer must be able to articulate facts creating grounds to suspect that criminal activity  
15 ‘may be afoot.’” *Ramirez v. City of Buena Park*, 560 F.3d 1012, 1020 (9th Cir. 2009)  
16 (quoting *United States v. Sokolow*, 490 U.S. 1, 7 (1989)).

17 Plaintiff provides no details about the alleged illegal search or the circumstances  
18 surrounding the search that would show the search was unreasonable. He therefore fails to  
19 state a Fourth Amendment claim for an illegal search.

#### 20 **2. Arrest**

21 To state a § 1983 claim for false arrest, Plaintiff must show that Defendant made  
22 the arrest without probable cause or other justification. *Gravelet-Blondin v. Shelton*, 728  
23 F.3d 1086, 1097 (9th Cir. 2013). “‘Probable cause exists if the arresting officers ‘had  
24 knowledge and reasonably trustworthy information of facts and circumstances sufficient  
25 to lead a prudent person to believe that [the arrestee] had committed or was committing a  
26 crime.’” *Id.* at 1097-98 (quoting *Maxwell v. County of San Diego*, 697 F.3d 941, 951 (9th  
27 Cir. 2012)); *see also Edgerly v. City & County of S.F.*, 599 F.3d 946, 953 (9th Cir. 2010)  
28 (“To determine whether the Officers had probable cause at the time of the arrest, we

1 consider ‘whether at that moment the facts and circumstances within [the Officers’]  
 2 knowledge . . . were sufficient to warrant a prudent man in believing that the petitioner had  
 3 committed or was committing an offense.’” (quoting *Beck v. Ohio*, 379 U.S. 89, 91  
 4 (1964))). “[P]robable cause supports an arrest so long as the arresting officers had probable  
 5 cause to arrest the suspect *for any criminal offense*, regardless of their stated reason for the  
 6 arrest.” *Edgerly*, 599 F.3d at 954 (emphasis added). “If an officer has probable cause to  
 7 believe that an individual has committed even a very minor criminal offense in his  
 8 presence, he may, without violating the Fourth Amendment, arrest the offender.” *Atwater*  
 9 *v. City of Lago Vista*, 532 U.S. 318, 354 (2001).

10 Plaintiff provides no details about his allegedly illegal arrest such as the crime for  
 11 which he was arrested or the circumstances surrounding his arrest, nor does he allege facts  
 12 showing why Defendant Reynolds lacked probable cause to arrest him. Plaintiff therefore  
 13 fails to state a claim for false arrest.

#### 14 **B. Count Two**

15 In Count Two, Plaintiff claims Defendant Reynolds violated his Fifth Amendment  
 16 rights by telling Plaintiff he was required by law to identify himself.

17 Plaintiff appears to be challenging the constitutionality of an investigatory stop.  
 18 “The Fourth Amendment prohibits ‘unreasonable searches and seizures’ by the  
 19 Government, and its protections extend to brief investigatory stops of persons or vehicles  
 20 that fall short of traditional arrest.” *United States v. Arvizu*, 534 U.S. 266, 273 (2002).  
 21 “[I]n such cases, the Fourth Amendment is satisfied if the officer’s action is supported by  
 22 reasonable suspicion to believe that criminal activity ‘may be afoot.’” *Id.* (citation  
 23 omitted). The reasonable suspicion standard “is not a particularly high threshold.” *United*  
 24 *States v. Valdes-Vega*, 738 F.3d 1074, 1078 (9th Cir. 2013) (en banc). “Although a . . .  
 25 mere hunch is insufficient to justify a stop, the likelihood of criminal activity need not rise  
 26 to the level required for probable cause, and it falls considerably short of satisfying a  
 27 preponderance of the evidence standard.” *Id.* (quoting *Arvizu*, 534 U.S. at 274). When  
 28 conducting an investigatory stop, a police officer is entitled to conduct a limited

1 investigation to determine the person's identity and "to try to obtain information  
2 confirming or dispelling the officer's suspicions." *United States v. Davis*, 530 F.3d 1069,  
3 1081 (9th Cir. 2008) (quoting *Berkemer v. McCarthy*, 468 U.S. 420, 439 (1984).

4 Plaintiff has not alleged sufficient facts to show that Defendant Reynolds lacked  
5 reasonable suspicion for an investigatory stop. Accordingly, Plaintiff has failed to state a  
6 claim in Count Two.

### 7 **C. Count Three**

8 In Count Three, Plaintiff alleges he has been denied due process during his criminal  
9 proceedings. It appears the criminal proceedings are ongoing.

10 The abstention doctrine set forth in *Younger v. Harris*, 401 U.S. 37 (1971), prevents  
11 a federal court in most circumstances from directly interfering with ongoing criminal  
12 proceedings in state court and applies while the case works its way through the state  
13 appellate process. *New Orleans Pub. Serv., Inc. v. Council of City of New Orleans*, 491  
14 U.S. 350, 369 (1989) ("[f]or *Younger* purposes, the State's trial-and-appeals process is  
15 treated as a unitary system"); *Huffman v. Pursue, Ltd.*, 420 U.S. 592, 608 (1975) ("Virtually  
16 all of the evils at which *Younger* is directed would inhere in federal intervention prior to  
17 completion of state appellate proceedings, just as surely as they would if such intervention  
18 occurred at or before trial."). "[O]nly in the most unusual circumstances is a defendant  
19 entitled to have federal interposition by way of injunction or habeas corpus until after the  
20 jury comes in, judgment has been appealed from and the case concluded in the state courts."  
21 *Drury v. Cox*, 457 F.2d 764, 764-65 (9th Cir. 1972) (per curiam). Special circumstances  
22 occur "[o]nly in cases of proven harassment or prosecutions undertaken by state officials  
23 in bad faith without hope of obtaining a valid conviction and perhaps in other extraordinary  
24 circumstances where irreparable injury can be shown." *Carden v. Montana*, 626 F.2d 82,  
25 84 (9th Cir. 1980) (quoting *Perez v. Ledesma*, 401 U.S. 82, 85 (1971)).

26 Plaintiff has failed to show special or extraordinary circumstances indicating that he  
27 will suffer irreparable harm if this Court abstains from hearing his claims until after he has  
28 a chance to present them to the state courts. *See Younger*, 401 U.S. at 45-46; *Carden*, 626

1 F.2d at 83-84. Thus, the Court will abstain from interfering in Plaintiff's ongoing state-  
 2 court criminal proceedings. These are issues that should be raised in his criminal case, not  
 3 here. *See, e.g., Mann v. Jett*, 781 F.2d 1448, 1449 (9th Cir. 1986) (per curiam) (abstention  
 4 appropriate in § 1983 action for denial of Sixth Amendment right to counsel; plaintiff can  
 5 adequately litigate his claim in ongoing state criminal proceedings and the potential for  
 6 federal-state friction is obvious).

## 7 **V. Leave to Amend**

8 For the foregoing reasons, the Court will dismiss Plaintiff's Complaint for failure to  
 9 state a claim upon which relief may be granted. Within 30 days, Plaintiff may submit a  
 10 first amended complaint to cure the deficiencies outlined above. The Clerk of Court will  
 11 mail Plaintiff a court-approved form to use for filing a first amended complaint. If Plaintiff  
 12 fails to use the court-approved form, the Court may strike the amended complaint and  
 13 dismiss this action without further notice to Plaintiff.

14 Plaintiff must clearly designate on the face of the document that it is the "First  
 15 Amended Complaint." The first amended complaint must be retyped or rewritten in its  
 16 entirety on the court-approved form and may not incorporate any part of the original  
 17 Complaint by reference. Plaintiff may include only one claim per count.

18 In each count, Plaintiff must write short, plain statements telling the Court: (1) the  
 19 constitutional right Plaintiff believes was violated; (2) the name of the Defendant who  
 20 violated the right; (3) exactly what that Defendant did or failed to do; (4) how the action or  
 21 inaction of that Defendant is connected to the violation of Plaintiff's constitutional right;  
 22 and (5) what specific injury Plaintiff suffered because of that Defendant's conduct. *See*  
 23 *Rizzo v. Goode*, 423 U.S. 362, 371-72, 377 (1976).

24 Plaintiff must repeat this process for each person he names as a Defendant. If  
 25 Plaintiff fails to affirmatively link the conduct of each named Defendant with the specific  
 26 injury suffered by Plaintiff, the allegations against that Defendant will be dismissed for  
 27 failure to state a claim. **Conclusory allegations that a Defendant or group of**  
 28 **Defendants has violated a constitutional right are not acceptable and will be**



1 **dismissed.**

2 A first amended complaint supersedes the original Complaint. *Ferdik v. Bonzelet*,  
 3 963 F.2d 1258, 1262 (9th Cir. 1992); *Hal Roach Studios v. Richard Feiner & Co.*, 896 F.2d  
 4 1542, 1546 (9th Cir. 1990). After amendment, the Court will treat the original Complaint  
 5 as nonexistent. *Ferdik*, 963 F.2d at 1262. Any cause of action that was raised in the  
 6 original Complaint and that was voluntarily dismissed or was dismissed without prejudice  
 7 is waived if it is not alleged in a first amended complaint. *Lacey v. Maricopa County*, 693  
 8 F.3d 896, 928 (9th Cir. 2012) (en banc).

## 9 **VI. Warnings**

### 10 **A. Release**

11 If Plaintiff is released while this case remains pending, and the filing fee has not  
 12 been paid in full, Plaintiff must, within 30 days of his release, either (1) notify the Court  
 13 that he intends to pay the unpaid balance of his filing fee within 120 days of his release or  
 14 (2) file a non-prisoner application to proceed in forma pauperis. Failure to comply may  
 15 result in dismissal of this action.

### 16 **B. Address Changes**

17 Plaintiff must file and serve a notice of a change of address in accordance with Rule  
 18 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other  
 19 relief with a notice of change of address. Failure to comply may result in dismissal of this  
 20 action.

### 21 **C. Possible “Strike”**

22 Because the Complaint has been dismissed for failure to state a claim, if Plaintiff  
 23 fails to file an amended complaint correcting the deficiencies identified in this Order, the  
 24 dismissal may count as a “strike” under the “3-strikes” provision of 28 U.S.C. § 1915(g).  
 25 Under the 3-strikes provision, a prisoner may not bring a civil action or appeal a civil  
 26 judgment in forma pauperis under 28 U.S.C. § 1915 “if the prisoner has, on 3 or more prior  
 27 occasions, while incarcerated or detained in any facility, brought an action or appeal in a  
 28 court of the United States that was dismissed on the grounds that it is frivolous, malicious,



1 or fails to state a claim upon which relief may be granted, unless the prisoner is under  
2 imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

3 **D. Possible Dismissal**

4 If Plaintiff fails to timely comply with every provision of this Order, including these  
5 warnings, the Court may dismiss this action without further notice. *See Ferdik*, 963 F.2d  
6 at 1260-61 (a district court may dismiss an action for failure to comply with any order of  
7 the Court).

8 **IT IS ORDERED:**

9 (1) Plaintiff’s Application to Proceed In Forma Pauperis (Doc. 2) is **granted**.

10 (2) As required by the accompanying Order to the appropriate government  
11 agency, Plaintiff must pay the \$350.00 filing fee and is assessed an initial partial filing fee  
12 of \$6.00.

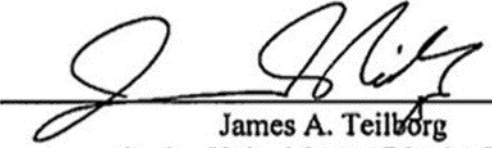
13 (3) The Complaint (Doc. 1) is **dismissed** for failure to state a claim. Plaintiff  
14 has **30 days** from the date this Order is filed to file a first amended complaint in compliance  
15 with this Order.

16 (4) If Plaintiff fails to file an amended complaint within 30 days, the Clerk of  
17 Court must, without further notice, enter a judgment of dismissal of this action with  
18 prejudice that states that the dismissal may count as a “strike” under 28 U.S.C. § 1915(g)  
19 and deny any pending unrelated motions as moot.

20 (5) The Clerk of Court must mail Plaintiff a court-approved form for filing a  
21 civil rights complaint by a prisoner.

22 Dated this 10th day of May, 2023.

23  
24  
25  
26  
27  
28

  
James A. Teilborg  
Senior United States District Judge

**Instructions for a Prisoner Filing a Civil Rights Complaint  
in the United States District Court for the District of Arizona**

1. Who May Use This Form. The civil rights complaint form is designed to help incarcerated persons prepare a complaint seeking relief for a violation of their federal civil rights. These complaints typically concern, but are not limited to, conditions of confinement. **This form should not be used to challenge your conviction or sentence.** If you want to challenge a state conviction or sentence, you should file a petition under 28 U.S.C. § 2254 for a writ of habeas corpus by a person in state custody. If you want to challenge a federal conviction or sentence, you should file a motion under 28 U.S.C. § 2255 to vacate sentence in the federal court that entered the judgment.
2. The Form. **Local Rule of Civil Procedure (LRCiv) 3.4 provides that complaints by incarcerated persons must be filed on the court-approved form.** The form must be typed or neatly handwritten. The form must be completely filled in to the extent applicable. All questions must be answered clearly and concisely in the appropriate space on the form. If needed, you may attach additional pages, **but no more than fifteen additional pages**, of standard letter-sized paper. You must identify which part of the complaint is being continued and number all pages. If you do not fill out the form properly, you will be asked to submit additional or corrected information, which may delay the processing of your action. You do not need to cite law.
3. Your Signature. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
4. The Filing and Administrative Fees. The total fees for this action are \$402.00 (\$350.00 filing fee plus \$52.00 administrative fee). If you are unable to immediately pay the fees, you may request leave to proceed in forma pauperis. Please review the “Information for Prisoners Seeking Leave to Proceed with a (Non-Habeas) Civil Action in Federal Court In Forma Pauperis Pursuant to 28 U.S.C. § 1915” for additional instructions.
5. Original and Judge’s Copy. You must send an **original plus one copy** of your complaint and of any other documents submitted to the Court. You must send one additional copy to the Court if you wish to have a file-stamped copy of the document returned to you. All copies must be identical to the original. Copies may be legibly handwritten. **This section does not apply to inmates housed at an Arizona Department of Corrections facility that participates in electronic filing.**
6. Where to File. You should file your complaint in the division **where you were confined when your rights were allegedly violated.** See LRCiv 5.1(a) and 77.1(a). If you were confined in Maricopa, Pinal, Yuma, La Paz, or Gila County, file in the Phoenix Division. If you were confined in Apache, Navajo, Coconino, Mohave, or Yavapai County, file in the Prescott Division. If you were confined in Pima, Cochise, Santa Cruz, Graham, or Greenlee County, file in the Tucson Division. **Mail the original and one copy of the complaint with the \$402 filing and administrative fees or the application to proceed in forma pauperis to:**

Phoenix & Prescott Divisions:  
U.S. District Court Clerk  
U.S. Courthouse, Suite 130  
401 West Washington Street, SPC 10  
Phoenix, Arizona 85003-2119

**OR**

Tucson Division:  
U.S. District Court Clerk  
U.S. Courthouse, Suite 1500  
405 West Congress Street  
Tucson, Arizona 85701-5010

7. Change of Address. You must immediately notify the Court and the defendants in writing of any change in your mailing address. **Failure to notify the Court of any change in your mailing address may result in the dismissal of your case.**

8. Certificate of Service. You must furnish the defendants with a copy of any document you submit to the Court (except the initial complaint and application to proceed in forma pauperis). Each original document (except the initial complaint and application to proceed in forma pauperis) must include a certificate of service on the last page of the document stating the date a copy of the document was mailed to the defendants and the address to which it was mailed. *See Fed. R. Civ. P. 5(a), (d).* Any document received by the Court that does not include a certificate of service may be stricken. **This section does not apply to inmates housed at an Arizona Department of Corrections facility that participates in electronic filing.**

A certificate of service should be in the following form:

I hereby certify that a copy of the foregoing document was mailed  
this \_\_\_\_\_ (month, day, year) to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Attorney for Defendant(s)

\_\_\_\_\_  
(Signature)

9. Amended Complaint. If you need to change any of the information in the initial complaint, you must file an amended complaint. The amended complaint must be written on the court-approved civil rights complaint form. You may file one amended complaint without leave (permission) of Court within 21 days after serving it or within 21 days after any defendant has filed an answer, whichever is earlier. *See Fed. R. Civ. P. 15(a).* Thereafter, you must file a motion for leave to amend and lodge (submit) a proposed amended complaint. LRCiv 15.1. In addition, an amended complaint may not incorporate by reference any part of your prior complaint. LRCiv 15.1(a)(2). **Any allegations or defendants not included in the amended complaint are considered dismissed.** All amended complaints are subject to screening under the Prison Litigation Reform Act; screening your amendment will take additional processing time.

10. Exhibits. You should not submit exhibits with the complaint or amended complaint. Instead, the relevant information should be paraphrased. You should keep the exhibits to use to support or oppose a motion to dismiss, a motion for summary judgment, or at trial.

11. Letters and Motions. It is generally inappropriate to write a letter to any judge or the staff of any judge. The only appropriate way to communicate with the Court is by filing a written pleading or motion.

12. Completing the Civil Rights Complaint Form.

**HEADING:**

1. Your Name. Print your name, prison or inmate number, and institutional mailing address on the lines provided.
2. Defendants. If there are **four or fewer** defendants, print the name of each. If you name **more than four** defendants, print the name of the first defendant on the first line, write the words “and others” on the second line, and attach an additional page listing the names of **all** of the defendants. Insert the additional page after page 1 and number it “1-A” at the bottom.
3. Jury Demand. If you want a jury trial, you must write “JURY TRIAL DEMANDED” in the space below “CIVIL RIGHTS COMPLAINT BY A PRISONER.” Failure to do so may result in the loss of the right to a jury trial. A jury trial is not available if you are seeking only injunctive relief.

**Part A. JURISDICTION:**

1. Nature of Suit. Mark whether you are filing the complaint pursuant to 42 U.S.C. § 1983 for state, county, or city defendants; “*Bivens v. Six Unknown Federal Narcotics Agents*” for federal defendants; or “other.” If you mark “other,” identify the source of that authority.
2. Location. Identify the institution and city where the alleged violation of your rights occurred.
3. Defendants. Print all of the requested information about each of the defendants in the spaces provided. If you are naming more than four defendants, you must provide the necessary information about each additional defendant on separate pages labeled “2-A,” “2-B,” etc., at the bottom. Insert the additional page(s) immediately behind page 2.

**Part B. PREVIOUS LAWSUITS:**

You must identify any other lawsuit you have filed in either state or federal court while you were a prisoner. Print all of the requested information about each lawsuit in the spaces provided. If you have filed more than three lawsuits, you must provide the necessary information about each additional lawsuit on a separate page. Label the page(s) as “2-A,” “2-B,” etc., at the bottom of the page and insert the additional page(s) immediately behind page 2.

**Part C. CAUSE OF ACTION:**

You must identify what rights each defendant violated. The form provides space to allege three separate counts (**one violation per count**). If you are alleging more than three counts, you must provide the necessary information about each additional count on a separate page. Number the additional pages “5-A,” “5-B,” etc., and insert them immediately behind page 5. Remember that you are limited to a total of fifteen additional pages.

1. Counts. You must identify which civil right was violated. **You may allege the violation of only one civil right per count.**
2. Issue Involved. Check the box that most closely identifies the issue involved in your claim. **You may check only one box per count.** If you check the box marked “Other,” you must identify the specific issue involved.
3. Supporting Facts. After you have identified which civil right was violated, you must state the supporting facts. Be as specific as possible. You must state what each individual defendant did to violate your rights. If there is more than one defendant, you must identify which defendant did what act. You also should state the date(s) on which the act(s) occurred, if possible.
4. Injury. State precisely how you were injured by the alleged violation of your rights.
5. Administrative Remedies. You must exhaust any available administrative remedies before you file a civil rights complaint. *See* 42 U.S.C. § 1997e. Consequently, you should disclose whether you have exhausted the inmate grievance procedures or administrative appeals for each count in your complaint. If the grievance procedures were not available for any of your counts, fully explain why on the lines provided.

**Part D. REQUEST FOR RELIEF:**

Print the relief you are seeking in the space provided.

**SIGNATURE:**

You must sign your name and print the date you signed the complaint. Failure to sign the complaint will delay the processing of your action. Unless you are an attorney, you may not bring an action on behalf of anyone but yourself.

**FINAL NOTE**

You should follow these instructions carefully. Failure to do so may result in your complaint being stricken or dismissed. All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number the pages.

\_\_\_\_\_  
Name and Prisoner/Booking Number

\_\_\_\_\_  
Place of Confinement

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip Code

**(Failure to notify the Court of your change of address may result in dismissal of this action.)**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

\_\_\_\_\_,  
(Full Name of Plaintiff)

Plaintiff,

v.

(1) \_\_\_\_\_,  
(Full Name of Defendant)

(2) \_\_\_\_\_,

(3) \_\_\_\_\_,

(4) \_\_\_\_\_,

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

**CASE NO.** \_\_\_\_\_  
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT  
BY A PRISONER**

- ☐ Original Complaint  
☐ First Amended Complaint  
☐ Second Amended Complaint

**A. JURISDICTION**

1. This Court has jurisdiction over this action pursuant to:

☐ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).

☐ Other: \_\_\_\_\_.

2. Institution/city where violation occurred: \_\_\_\_\_.

## B. DEFENDANTS

1. Name of first Defendant: \_\_\_\_\_. The first Defendant is employed as: \_\_\_\_\_ at \_\_\_\_\_.  
(Position and Title) (Institution)
2. Name of second Defendant: \_\_\_\_\_. The second Defendant is employed as: \_\_\_\_\_ at \_\_\_\_\_.  
(Position and Title) (Institution)
3. Name of third Defendant: \_\_\_\_\_. The third Defendant is employed as: \_\_\_\_\_ at \_\_\_\_\_.  
(Position and Title) (Institution)
4. Name of fourth Defendant: \_\_\_\_\_. The fourth Defendant is employed as: \_\_\_\_\_ at \_\_\_\_\_.  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

## C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☐ No
2. If yes, how many lawsuits have you filed? \_\_\_\_\_. Describe the previous lawsuits:
  - a. First prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - b. Second prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - c. Third prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.





## COUNT II

1. State the constitutional or other federal civil right that was violated: \_\_\_\_\_

2. **Count II.** Identify the issue involved. Check **only one**. State additional issues in separate counts.
- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

- ## 5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- b. Did you submit a request for administrative relief on Count II? ☐ Yes ☐ No
- c. Did you appeal your request for relief on Count II to the highest level? ☐ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.

### COUNT III

1. State the constitutional or other federal civil right that was violated: \_\_\_\_\_.
  2. **Count III.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____.	
  3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.  
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\_\_\_\_\_.
  4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
  5. **Administrative Remedies.**
    - a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
    - b. Did you submit a request for administrative relief on Count III? ☐ Yes ☐ No
    - c. Did you appeal your request for relief on Count III to the highest level? ☐ Yes ☐ No
    - d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_.

**If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.**

**E. REQUEST FOR RELIEF**

State the relief you are seeking:

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
(Name and title of paralegal, legal assistant, or  
other person who helped prepare this complaint)

\_\_\_\_\_  
(Signature of attorney, if any)

\_\_\_\_\_  
(Attorney's address & telephone number)

**ADDITIONAL PAGES**

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.